

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 504

Introduced by Connealy, 16

Read first time January 15, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to motor vehicles; to amend section 60-301,
- 2 Reissue Revised Statutes of Nebraska; to redefine
- 3 automobile liability policy; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-301. For purposes of Chapter 60, article 3, unless
4 the context otherwise requires:

5 (1) Agricultural products means field crops and
6 horticultural, viticultural, forestry, nut, dairy, livestock,
7 poultry, bee, and farm products, including sod grown on the land
8 owned or rented by the farmer, and the byproducts derived from any
9 of them;

10 (2) Apportionable vehicle means any vehicle used or
11 intended for use in two or more member jurisdictions that allocate
12 or proportionally register vehicles and used for the transportation
13 of persons for hire or designed, used, or maintained primarily for
14 the transportation of property. Apportionable vehicle does not
15 include any recreational vehicle, vehicle displaying restricted
16 plates, city pickup and delivery vehicle, bus used in the
17 transportation of chartered parties, or government-owned vehicle.
18 Such vehicle shall either (a) be a power unit having two axles and
19 a gross vehicle weight or registered gross vehicle weight in excess
20 of twenty-six thousand pounds, (b) be a power unit having three or
21 more axles, regardless of weight, or (c) be used in combination
22 when the weight of such combination exceeds twenty-six thousand
23 pounds gross vehicle weight. Vehicles or combinations of vehicles
24 having a gross vehicle weight of twenty-six thousand pounds or less
25 and two-axle vehicles and buses used in the transportation of
26 chartered parties may be proportionally registered at the option of
27 the registrant;

28 (3) Automobile liability policy means liability insurance

1 written by an insurance carrier duly authorized to do business in
2 this state protecting other persons from damages for liability on
3 account of accidents occurring subsequent to the effective date of
4 the insurance arising out of the ownership of a motor vehicle (a)
5 in the amount of twenty-five thousand dollars because of bodily
6 injury to or death of one person in any one accident, (b) subject
7 to the limit for one person, in the amount of fifty thousand
8 dollars because of bodily injury to or death of two or more persons
9 in any one accident, and (c) in the amount of twenty-five thousand
10 dollars because of injury to or destruction of property of other
11 persons in any one accident. An automobile liability policy shall
12 not exclude liability coverage under the policy solely because the
13 injured person making a claim is the named insured in the policy or
14 ~~a spouse or relative~~ residing in the ~~same~~ household with the named
15 insured;

16 (4) Cabin trailer means any vehicle without motive power
17 designed for living quarters and for being drawn by a motor vehicle
18 and not exceeding one hundred two inches in width, forty feet in
19 length, or thirteen and one-half feet in height;

20 (5) Commercial trailer means any trailer or semitrailer
21 designed, used, or maintained for the transportation of persons or
22 property for hire, compensation, or profit or designed, used, or
23 maintained primarily for the transportation of property and does
24 not include farm trailers, fertilizer trailers, utility trailers,
25 or cabin trailers;

26 (6) Commercial vehicle means any motor vehicle used or
27 maintained for the transportation of persons or property for hire,
28 compensation, or profit or designed, used, or maintained primarily

1 for the transportation of property and does not include farm
2 trucks;

3 (7) Evidence of insurance means evidence of a current and
4 effective automobile liability policy;

5 (8) Farm trailer means any trailer or semitrailer (a)
6 used exclusively to carry a farmer's or rancher's own supplies,
7 farm equipment, and household goods to or from the owner's farm or
8 ranch, (b) used by the farmer or rancher to carry his or her own
9 agricultural products, livestock, and produce to or from storage
10 and market and attached to a passenger car, commercial-licensed
11 vehicle registered for sixteen tons or less, or farm-licensed
12 vehicle, or (c) used by a farmer or rancher to carry his or her own
13 agricultural products, livestock, and produce to and from market.
14 Such trailers shall carry on their license plate, in addition to
15 the registration number, the letter X. Farm trailer does not
16 include a trailer so used when attached to a farm tractor;

17 (9) Farm trucks means trucks, including combinations of
18 trucks or truck-tractors and trailers or semitrailers, of farmers
19 or ranchers (a) used exclusively to carry a farmer's or rancher's
20 own supplies, farm equipment, and household goods to or from the
21 owner's farm or ranch, (b) used by the farmer or rancher to carry
22 his or her own agricultural products, livestock, and produce to or
23 from storage or market, (c) used by farmers or ranchers in exchange
24 of service in such hauling of such supplies or agricultural
25 products, livestock, and produce, or (d) used occasionally to carry
26 camper units, to pull boats or cabin trailers, or to carry or pull
27 museum pieces or vehicles of historical significance, without
28 compensation, to events for public display or educational purposes.

1 Such trucks may carry on their license plates, in addition to the
2 registration number, the designation farm and the words NOT FOR
3 HIRE;

4 (10) Fertilizer trailer means any trailer, including
5 gooseneck applicators or trailers, designed and used exclusively to
6 carry or apply agricultural fertilizer or agricultural chemicals
7 and having a gross weight, including load thereon, of twenty
8 thousand pounds or less. Such trailers shall carry on their
9 license plate, in addition to the registration number, the letter
10 X;

11 (11) Film vehicle means any motor vehicle or trailer used
12 exclusively by a nonresident production company temporarily on
13 location in Nebraska producing a feature film, television
14 commercial, documentary, or industrial or educational videotape
15 production;

16 (12) Fleet means one or more apportionable vehicles;

17 (13) Highways means public streets, roads, turnpikes,
18 parks, parkways, drives, alleys, and other public ways used for the
19 passage of road vehicles;

20 (14) In-state miles means total miles operated (a) in the
21 State of Nebraska during the preceding year by the motor vehicle or
22 vehicles registered and licensed for fleet operation and (b) in
23 noncontracting reciprocity states by vehicles that are base-plated
24 in Nebraska;

25 (15) Local truck means a truck and combinations of
26 trucks, truck-tractors, or trailers or semitrailers operated solely
27 within an incorporated city or village or within ten miles of the
28 corporate limits of the city or village in which they are owned,

1 operated, and registered. Such trucks shall carry on their license
2 plates, in addition to the registration number, the designation of
3 local truck;

4 (16) Motor vehicle means any vehicle propelled by any
5 power other than muscular power except (a) mopeds as defined in
6 section 60-637, (b) farm tractors, (c) self-propelled equipment
7 designed and used exclusively to carry and apply fertilizer,
8 chemicals, or related products to agricultural soil and crops,
9 agricultural floater-spreader implements as defined in section
10 60-6,294.01, and other implements of husbandry designed for and
11 used primarily for tilling the soil and harvesting crops or feeding
12 livestock, (d) power unit hay grinders or a combination which
13 includes a power unit and a hay grinder when operated without
14 cargo, (e) vehicles which run only on rails or tracks, (f) off-road
15 designed vehicles, including, but not limited to, golf carts,
16 go-carts, riding lawnmowers, garden tractors, all-terrain vehicles
17 as defined in section 60-6,355, snowmobiles as defined in section
18 60-663, and minibikes as defined in section 60-636, (g) road and
19 general-purpose construction and maintenance machinery not designed
20 or used primarily for the transportation of persons or property,
21 including, but not limited to, ditchdigging apparatus, asphalt
22 spreaders, bucket loaders, leveling graders, earthmoving carryalls,
23 power shovels, earthmoving equipment, and crawler tractors, and (h)
24 self-propelled chairs used by persons who are disabled;

25 (17) Motorcycle means any motor vehicle, except a tractor
26 or an all-terrain vehicle as defined in section 60-6,355, having a
27 seat or saddle for use of the rider and designed to travel on not
28 more than three wheels in contact with the ground;

1 (18) Noncontracting reciprocity state means any state
2 which is not a party to any type of contracting agreement between
3 the State of Nebraska and one or more other jurisdictions for
4 registration purposes on commercial vehicles and, as a condition to
5 operate on the highways of that state, (a) does not require any
6 type of vehicle registration or allocation of vehicles for
7 registration purposes or (b) does not impose any charges based on
8 miles operated, other than those that might be assessed against
9 fuel consumed in that state, on any vehicles which are part of a
10 Nebraska-based fleet;

11 (19) Owner means a person, firm, or corporation which
12 holds a legal title of a vehicle. If (a) a vehicle is the subject
13 of an agreement for the conditional sale thereof with the right of
14 purchase upon performance of the conditions stated in the agreement
15 and with an immediate right of possession vested in the conditional
16 vendee, (b) a vehicle is subject to a lease of thirty days or more
17 with an immediate right of possession vested in the lessee, or (c)
18 a mortgagor of a vehicle is entitled to possession, then such
19 conditional vendee, lessee, or mortgagor shall be deemed the owner
20 for purposes of Chapter 60, article 3. For such purpose, there are
21 hereby adopted and incorporated by reference the provisions of
22 Article XI, International Registration Plan, adopted by the
23 American Association of Motor Vehicle Administrators, as revised
24 November 1976;

25 (20) Park means to stop a vehicle for any length of time,
26 whether occupied or unoccupied;

27 (21) Passenger car means a motor vehicle designed and
28 used to carry ten passengers or less and not used for hire;

1 (22) Proof of financial responsibility has the same
2 meaning as in section 60-501;

3 (23) Self-propelled mobile home means a vehicle with
4 motive power designed for living quarters;

5 (24) Semitrailer means any vehicle without motive power
6 designed for carrying persons or property and for being drawn by a
7 motor vehicle and so constructed that some part of its weight and
8 that of its load rests upon or is carried by the towing vehicle;

9 (25) Total fleet miles means the total number of miles
10 operated in all jurisdictions during the preceding year by the
11 vehicles in such fleet during such year;

12 (26) Trailer means any vehicle without motive power
13 designed for carrying persons or property and being pulled by a
14 motor vehicle and so constructed that no part of its weight rests
15 upon the towing vehicle;

16 (27) Transporter means any person lawfully engaged in the
17 business of transporting vehicles not his or her own solely for
18 delivery thereof (a) by driving singly, (b) by driving in
19 combinations by the towbar, fullmount, or saddlemount methods or
20 any combinations thereof, or (c) when a truck or tractor draws a
21 semitrailer or tows a trailer;

22 (28) Truck means a motor vehicle that is designed, used,
23 or maintained primarily for the transportation of property;

24 (29) Truck-tractor means any motor vehicle designed and
25 used primarily for drawing other vehicles and not so constructed as
26 to carry a load other than a part of the weight of the vehicle and
27 load being drawn;

28 (30) Utility trailer means a trailer having a gross

1 weight, including load thereon, of nine thousand pounds or less
2 attached to a motor vehicle and used exclusively to carry
3 miscellaneous items of personal property. Such trailers shall
4 carry on their license plate, in addition to the registration
5 number, the letter X; and

6 (31) Vehicle means any device in, upon, or by which any
7 person or property is or may be transported or drawn upon a public
8 highway except devices moved solely by human power or used
9 exclusively upon stationary rails or tracks.

10 Sec. 2. Original section 60-301, Reissue Revised
11 Statutes of Nebraska, is repealed.